

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TARA L. LONG and TODD J. LONG,	:	
Administrators of the Estate of TAMMY	:	
E. LONG, Deceased	:	CIVIL ACTION
	:	NO. 15-cv-01447
Plaintiff,	:	
	:	
v.	:	
	:	
ARMSTRONG COUNTY, d/b/a	:	(ELECTRONICALLY FILED)
ARMSTRONG COUNTY JAIL and	:	
DAVID HOGUE	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, upon consideration of Defendants Armstrong County, d/b/a Armstrong County Jail, and David Hogue's Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and any response thereto, it is hereby ORDERED that

\_\_\_\_\_ Defendants' Motion to Dismiss is GRANTED. Plaintiff's Complaint is hereby dismissed with prejudice.

\_\_\_\_\_ Defendants' Motion to Strike portions of Plaintiff's Complaint is GRANTED. Paragraphs forty (40) through forty-nine (49) of Plaintiff's Complaint are hereby stricken.

\_\_\_\_\_  
J.

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	:	
Defendants.	:	

**MOTION TO DISMISS PLAINTIFF’S COMPLAINT PURSUANT TO FED. R. CIV. P.  
12(b)(6) OF DEFENDANTS, ARMSTRONG COUNTY AND DAVID HOGUE**

Defendants, Armstrong County, d/b/a Armstrong County Jail and David Hogue, by and through their attorneys, The MacMain Law Group, LLC, hereby move This Court for an Order dismissing Plaintiff’s Complaint in accordance with Federal Rule of Civil Procedure 12(b)(6) on the basis of Plaintiff’s failure to state a claim upon which relief may be granted.

In the alternative, if This Court declines to dismiss Plaintiff’s Complaint in its entirety, Defendants move for an Order striking paragraphs forty (40) through forty-nine (49) of Plaintiff’s Complaint.

The grounds of this Motion are more fully set forth in the accompanying Brief in Support of Defendants’ Motion.

Respectfully submitted,

Date: January 8, 2016

s/ David J. MacMain  
David J. MacMain (ID No. 59320)  
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**CERTIFICATE OF SERVICE**

I, David J. MacMain, Esquire, hereby certify that on this 8<sup>th</sup> day of January, 2016, the foregoing was filed electronically and is available for viewing and downloading from the United States District Court of the Western District of Pennsylvania. The following was served via the ECF system:

George M. Kontos  
Katie A. Killion  
Kontos Mengine Law Group  
603 Stanwix Street  
Two Gateway Center, Suite 1228  
Pittsburgh, PA 15222  
*Attorney for Plaintiffs*

**THE MACMAIN LAW GROUP, LLC**

Dated: January 8, 2016

By: /s/ David J. MacMain  
David J. MacMain  
Attorney I.D. No. 59320  
101 Lindenwood Drive, Suite 160  
Malvern, PA 19355  
*Attorney for Defendants, Armstrong County,  
d/b/a Armstrong County Jail and David Hogue*